

BILL ANALYSIS

H.B. 4764
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Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that placement in administrative segregation has been shown to have negative mental health effects on inmates. However, information regarding the mental health of those in administrative segregation within the Texas Department of Criminal Justice (TDCJ) is not public and is only available to lawmakers upon request through legislative privilege. The bill author has informed the committee that a regularly published report by TDCJ regarding administrative segregation would allow lawmakers to be properly informed of inmate mental health and well-being while improving transparency within TDCJ. H.B. 4764 seeks to provide for such information and improve transparency by requiring TDCJ to annually submit a report on the use and effects of administrative segregation to the governor, lieutenant governor, and legislature.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4764 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ), not later than January 31 of each year, to prepare and submit to the governor, the lieutenant governor, and each member of the legislature a report on the use of administrative segregation in facilities operated by or under contract with TDCJ. The report must include the following information for each such facility:

- the name, race, sex, and age of each offender placed in administrative segregation;
- the offense or behavior for which each offender was placed in administrative segregation;
- the number of times each offender was placed in administrative segregation;
- the total time each offender placed in administrative segregation spent in administrative segregation;
- other types of placements offered by each facility that are similar to administrative segregation, including quarantine and lockdown;
- the types of rehabilitative programs made available to offenders placed in administrative segregation;
- staffing ratios for administrative segregation units;
- the total number of administrative segregation beds used at each facility;
- the mental health diagnoses of offenders placed in administrative segregation;

- whether an offender placed in administrative segregation received a new mental health diagnosis or required mental health treatment during or shortly after the placement;
- whether an offender placed in administrative segregation experienced severe mental or physical distress such that the offender required immediate medical or psychiatric attention;
- whether an offender placed in administrative segregation attempted or committed suicide or engaged in self-harm during or shortly after the placement;
- whether an offender placed in administrative segregation appealed the offender's placement and the outcome of each appeal;
- whether the length of a placement in administrative segregation was reduced and the reason for each reduction; and
- the number of offenders placed in administrative segregation who had the length of their placement reduced because of a successful completion of a rehabilitative program.

If TDCJ fails to timely or accurately submit the report, TDCJ must prepare and submit to the governor, the lieutenant governor, and each member of the legislature a corrective action plan outlining how TDCJ will correct deficiencies in the timeliness or accuracy of future reports.

H.B. 4764 establishes that TDCJ is not required to submit the initial report until January 31, 2027. The bill defines the following terms for purposes of its provisions:

- "offender" means an inmate or state jail defendant confined in a facility operated by or under contract with TDCJ; and
- "rehabilitative program" means a program, including an activity or service, provided for the purpose of improving the behavioral, psychological, educational, or vocational outcome of an offender.

The bill establishes that "administrative segregation" includes solitary confinement, confinement on death row, and any other form of restrictive housing.

EFFECTIVE DATE

September 1, 2025.